

UNITED STATES COURT OF APPEALS January 3, 2012  
FOR THE TENTH CIRCUIT Elisabeth A. Shumaker  
Clerk of Court

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TRIGINAL D. JACKSON,

Plaintiff - Appellant,

v.

MATTHEW VOLLMER; TOMMY  
VALDEZ; DAVID FOX; M.  
BRODBECK; CITY OF  
ALBUQUERQUE; ALBUQUERQUE  
POLICE DEPARTMENT,

Defendants - Appellees.

No 11-2219  
(D.C. No. 1:08-CV-01108-WJ-LAM)  
(D. of New Mexico)

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**ORDER**

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On November 15, 2011, the court issued an order in connection with this proceeding directing Triginal D. Jackson to identify what order he is attempting to appeal in the district court. Mr. Jackson filed a response but failed to comply with the court's directives because he did not identify an order entered by the district court that he is attempting to appeal. On the contrary, Mr. Jackson expressly states in his response that there is no order he is appealing, he is awaiting a ruling on a pending motion for attorneys' fees that has not been decided.

This appeal is dismissed for failure to prosecute pursuant to 10<sup>th</sup> Cir. R. 42.1 because Mr. Jackson did not comply with the court's directive to identify the order from

which Mr. Jackson seeks an appeal.

If Mr. Jackson is of the view that an unreasonable amount of time has passed since he filed his motion for attorneys' fees and he seeks an order from this court directing the district court to rule on the pending motion, he should file a petition seeking a writ of mandamus pursuant to Fed. R. App. P. 21 asking this court to compel the district court to rule on the pending motion. *See, e.g., In re Phillips*, 133 F.3d 770 (10<sup>th</sup> Cir. 1998).

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in dark ink, appearing to read "Douglas E. Cressler", written in a cursive style.

by:  
Douglas E. Cressler,  
Chief Deputy Clerk